REMARKS

This Response is submitted in reply to the final Office Action mailed on May 9, 2008 and the Advisory Action mailed on October 2, 2008. A Petition for a three month extension of time is included herewith. The Commissioner is hereby authorized to charge $1,110.00 for the Petition for a three month extension of time and any fees which may be required or credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 115808-510 of the account statement.

Claims 29-32 and 34-56 are currently pending. Claims 1-28 and 33 were previously canceled. In the Office Action, Claims 29-32 and 34-56 are rejected under 35 U.S.C. §103. In response, Claims 29, 39 and 54-55 have been amended. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 29-32 and 34-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,471,999 to Couzy et al. ("*Couzy*") in view of U.S. Patent No. 5,290,571 to Bounous et al. ("*Bounous I*") or U.S. Patent No. 5,451,412 to Bounous et al. ("*Bounous II*") and further in view of Simpson, K.W. and Michel, K.E. Micronutrient status in patients with gastrointestinal disease, Proceedings ACVIM, Denver, CO, pp. 651-653, 2001 ("*Simpson*"), Suzuki, et al. Gastroenterology 1999; 116:431-437 7 ("*Suzuki*") and WO 01/62280 to Margolin et al. ("*Margolin*"). Claims 29-32 and 34-56 are rejected under 35 U.S.C. § 103(a) as also being unpatentable over WO 02/15719 to Fuchs et al. ("*Fuchs*") in view of *Bounous I* and *Bounous II* and further in view of *Simpson*, *Suzuki* and *Margolin*.

Currently amended independent Claims 29, 39 and 54-55 recite, in part, methods including the steps of administering to the pet an edible composition comprising a pancreatic function promoter comprising at least a pancreatic extract and a promoter selected from the group consisting of a liver function promoter and an intestinal mucosa function-promoter. The amendment does not add new matter. The amendment is supported in the specification at, for example, page 4, lines 22-32; page 9, lines 5-12. Applicants have found that administering to pets certain compositions including a pancreatic function promoter and one or more of a liver function promoter and an intestinal mucosa function-promoter provide benefits to the pet related to the effective assimilation of a lipid or a lipid fraction. Applicants respectfully submit that the

cited references, alone or in combination, fail to disclose or suggest every element of the present claims.

For example, *Couzy* fails to disclose or suggest an edible composition comprising a pancreatic function-promoter comprising at least a pancreatic extract and at least one promoter selected from the group consisting of a liver function-promoter and an intestinal mucosa function-promoter in an amount sufficient to effect lipid assimilation as required, in part, by the present claims. The Office Action admits the same. See, Office Action, page 5, line 4. *Couzy* further fails to disclose or suggest a method that provides or increases the effective assimilation of a lipid or fat as required, in part, by independent Claims 29 and 55. *Couzy* also fails to disclose or suggest a nutrition management regimen comprising a dietary component for feeding regularly in an effective lipid assimilation-promoting amount as required, in part, by independent Claim 39. Rather than teaching anything regarding the ability to assimilate lipid or fat, *Couzy* is directed to milk compositions that avoid or significantly reduce the gastrointestinal problems associated with the consumption of lactose. See, *Couzy,* column 2, lines 1 to 4. While the Office Action asserts that *Couzy* teaches a pet milk powder that reduces gastrointestinal intolerance, *Couzy* clearly attributes this intolerance to the lactose in cow's milk. See, *Couzy*, column 1, lines 32 to 33.

Fuchs is similarly deficient with regard to independent Claims 29, 39 and 54-55. The Office Action admits the same. See, Office Action, page 8, line 6. That is, *Fuchs* fails to disclose or suggest an edible composition comprising a pancreatic function-promoter comprising at least a pancreatic extract and at least one promoter selected from the group consisting of a liver function-promoter and an intestinal mucosa function-promoter in an amount sufficient to effect lipid assimilation as is required, in part, by the present claims. *Fuchs* further fails to disclose or suggest a method that provides or increases the effective assimilation of a lipid or fat as required, in part, by independent Claims 29 and 55. Instead, *Fuchs* is directed to a composition, comprising protein, carbohydrate and lipid sources, that provides the special nutritional requirements of those with limited appetite such as the elderly or those who have impaired ability to digest other sources of protein such as persons having chronic gastritis who have a reduced gastric pepsin digestion. See, *Fuchs*, page 2, lines 21 to 26. If fact, *Fuchs* teaches the incorporation of lipids into the composition without discussing the possible inability

of a patient to assimilate those lipids, not to mention digesting or absorbing the lipids, due to an existing disease or medical condition. See, *Fuchs,* page 8, lines 3 to 24.

Further, *Bounous I*, *Bounous II* and *Simpson, Suzuki* and *Margolin* fail to remedy the deficiencies of *Couzy* and *Fuchs* with respect to independent Claims 29, 39 and 54-55. For example, *Bounous I* and *Bounous II* both fail to disclose or suggest an edible composition comprising a pancreatic function-promoter comprising at least a pancreatic extract and at least one promoter selected from the group consisting of a liver function-promoter and an intestinal mucosa function-promoter in an amount sufficient to effect lipid assimilation as is required, in part, by the present claims. In fact, neither *Bounous I* nor *Bounous II* disclose pancreatic extracts at any place in the disclosure. *Bounous I* and *Bounous II* further fail to disclose or suggest a method that provides or increases the effective assimilation of a lipid or fat as required, in part, by independent Claims 29 and 55. Indeed, *Bounous I* and *Bounous II* are both directed to whey protein compositions comprising whey protein concentrate that function to improve humoral response, where secreted antibodies bind to antigens on the surfaces of invading microbes (such as viruses or bacteria), which flags them for destruction. Like *Couzy* and *Fuchs*, the Patent Office admits that *Bounous I* and *Bounous II* do not teach lipid assimilation. See, Office Action, page 5, line 4 and page 8, line 6.

Similarly, *Simpson*, *Suzuki* and *Margolin* all fail to disclose or suggest an edible composition comprising a pancreatic function-promoter comprising at least a pancreatic extract and at least one promoter selected from the group consisting of a liver function-promoter and an intestinal mucosa function-promoter in an amount sufficient to effect lipid assimilation as required, in part, by the present claims. In fact, neither *Simpson*, *Suzuki* nor *Margolin* disclose or suggest the use of a pancreatic extract to provide the effective assimilation of a lipid or a fat at any place in the disclosure. *Simpson*, *Suzuki* and *Margolin* further fail to disclose or suggest a method that provides or increases the effective assimilation of a lipid or fat as required, in part, by independent Claims 29 and 55.

While the Patent Office asserts that *Simpson* teaches a liver function promoter and, as a result, a skilled artisan would have been motivated to provide a composition with a liver function promoter to help in lipid assimilation, Applicants respectfully disagree. *Simpson* teaches that vitamin E is absorbed only with long chain fatty acids and that a defect in either the absorption or

digestion of lipid can lead to deficiencies in vitamin E and other vitamins due to their binding with unabsorbed fatty acids. See, Office Action, page 5, lines 4 to 8. However, the present claims recite lipid assimilation rather than lipid digestion or absorption. Applicants' specification clearly distinguishes digestion from assimilation by defining "digestion" as the breaking down of a food matrix into constituent parts and defining "assimilation" as incorporation of simple molecules, produced from food digestion and absorbed into the body, into complex compounds forming the constituents of the organism. See, specification, page 3, lines 1 to 16. Similarly, Applicants' specification clearly distinguishes absorption from assimilation by defining "absorption" as the passage of products of the breaking down process across the intestinal wall into the blood stream. *Id.* Therefore, digestion and absorption are functions separate from assimilation.

Suzuki, like *Simpson*, teaches means for optimizing fat absorption. Though the Patent Office asserts *Suzuki* to remedy the deficiencies of the previously discussed references, the Patent Office states that it would have been obvious to incorporate pancreatic function promoter and intestinal mucosa function promoter in a feed composition and improve lipid absorption capacity. See, Office Action, page 5, lines 18 to 22. Likewise, the Patent Office admits that *Margolin* correlates lipid absorption capacity with vitamin E absorption. See, Office Action, page 6, lines 1 to 4.

Therefore, contrary to the Patent Office's assertions, *Simpson, Suzuki* and *Margolin* fail to disclose or suggest either an edible composition comprising a pancreatic function-promoter comprising at least a pancreatic extract and at least one promoter selected from the group consisting of a liver function-promoter and an intestinal mucosa function-promoter in an amount sufficient to effect lipid assimilation or a method that provides or increases the effective assimilation of a lipid or fat as required, in part, by independent Claims 29 and 55. These secondary references also fail to disclose or suggest a nutrition management regimen comprising a dietary component for feeding regularly in an effective lipid assimilation-promoting amount as required, in part, by independent Claim 39. Therefore, the combination of cited references, alone or in combination, are deficient with respect to the present claims. Accordingly, Applicants respectfully request that the obviousness rejections be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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